IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Crl.MC.No. 583 of 2007()

CC.171/2001 of JUDL.MAGISTRATE OF FIRST CLASS COURT, OTTAPPALAM

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PETITIONER: ACCUSED

SUHARA, AGED 36 YEARS,
D/O.UNNI MAMMU,
KIZHADAYIL HOUSE,
IRUMBALASSERY, NELLAYA VILLAGE,
OTTAPPALAM TALUK.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENTS: COMPLAINANTS

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1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE, CHERPULASSERY POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.583 of 2007

Dated this the 2nd day of March, 2007

ORDER

The petitioner is the accused in a prosecution, inter alia, under Section 324 I.P.C. The matter stood posted for judgment to 27.02.2007. The petitioner could not appear before the learned Magistrate on 27.02.2007 on account of reasons beyond her control, it is submitted. The learned Magistrate has now issued a non bailable warrant of arrest against the petitioner. The petitioner's counsel was present before the learned Magistrate and the learned counsel has filed an application to condone her absence also. That petition was dismissed and a warrant of arrest issued against the petitioner and notice to the sureties.

2. The learned counsel for the petitioner submits that the petitioner is willing to appear before the learned Magistrate and receive the judgment on 05.03.2007, the next date to which the case is posted. If the petitioner were arrested in the meantime, that would cause great hardship and difficulties to the petitioner, it is submitted. In these circumstances, the short prayer of the petitioner is that the warrant of arrest may not be executed before 05.03.2007.

3. I am satisfied, that the said request can be allowed on condition that the petitioner shall appear before the learned Magistrate on 05.03.2007. The petitioner shall not be arrested till then. If she appears before the learned Magistrate on 05.03.2007 and if the question of suspension of sentence comes up on 05.03.2007, she shall not be deemed to be in custody without bail on that date. Needless to say, the proceedings against the petitioner and sureties, if any, initiated under Section 446 Cr.P.C can continue.

4. In the result, this Crl.M.C is allowed - to the above extent.

(R.BASANT, JUDGE)

rtr/-